

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA : Docket No.: 1:20-CR-000087-003  
Plaintiff, : Judge Cole  
v. : SENTENCING MEMORANDUM  
VICTOR TORRES :  
Defendant. :

**INTRODUCTION**

Victor Torres is before this Court for sentencing having previously plead guilty to Count 1, Conspiracy to Commit Bank Fraud and to Commit Mail Fraud Effecting a Financial Institution in violation of 18 U.S.C. §§ 1349, 1341 and 1344.

Given Mr. Torres' particular circumstances and the circumstances surrounding his offense conduct, it is respectfully suggested that the Court impose a minimal prison sentence, if any, since such a sentence would be sufficient but not greater than necessary to comply with the goals of sentencing as set forth in 18 U.S.C. § 3553(a).

**BACKGROUND**

Victor Torres, age 39, was born in Ft. Campbell, Kentucky to his parents: Victor Torres, who lives in Tampa, Florida and works in a warehouse and Jasmine Gordan, who lives in Miami, Florida. His father also served in the United States Armed Forces for 10 years. Mr. Torres reports that he grew up in a "poor"

neighborhood mostly raised by his mother while his father was in the military. They divorced when Mr. Torres was approximately 10 years of age. He further reports that his mother would often resort to corporal punishment, a fact that he kept to himself.

Mr. Torres described himself as an introvert growing up and enjoyed schooling but reported many moves in different schools because of his mother's inability to pay rent.

As he grew up, he desired to "make a better path for his life" so he joined the military and entered the United States Air Force and thereafter attended college and studied Engineering.

Regrettably, he has struggled with anxiety and depression most of his life and tends to isolate himself from others. It is reported that he has had at least one suicide attempt while in the Air Force after an argument with a girlfriend. His mother described him as not a happy person who does not have many close friends. He does not like talking to people but he is a compassionate person and he used to send money to Africa to help care for children there.

The Probation Officer made an ancillary contact with his girlfriend of over two years who described him as a "good, kind-hearted person." She was shocked when she found out he had been arrested in this matter. She also shared that if he were confined in prison he would have a tough struggle mentally due to being confined in a small space. He gets extremely anxious even in an

elevator. He attends church with his girlfriend and volunteers in the community. Attached you will find an apology letter authored by Mr. Torres and forwarded to counsel as Exhibit "A." It is rather self-explanatory. It is respectfully submitted that it does not appear that Mr. Torres was the principal in this conspiracy and may have been preyed upon by Co-Defendants for seven months. Since the Guideline Range Paragraph 152 of the Initial Presentence Investigation reiterates the points raised herein and suggests that they may be considered by the Court at sentencing, ostensibly in a downward departure.

It is noteworthy that Probation recommends Mr. Torres continues receiving mental health treatment if he is incarcerated. He has been compliant with the treatment that has been afforded him during the pendency of this matter.

#### **ARGUMENT**

It is respectfully submitted that a downward variance in this matter is appropriate since Mr. Torres has demonstrated a sincere and genuine acceptance of responsibility, recognition of harm he has done to others, and shame he has brought upon himself and others around him.

He has demonstrated responsibility to the community by volunteering in charitable endeavors through the church.

He poses no danger to the community and but for this aberrant mistake has led a decent and relatively law abiding life.

By all accounts, he is a peaceful and honest person. As this Court is aware, sentencing is an exercise in judgment, not a ritual, and certainly not an exercise in mathematical proof. United States v. Grossman, 513 Fed. 3<sup>rd</sup> 592 (6<sup>th</sup> Circuit 2008).

It is therefore respectfully suggested that this honorable Court impose a sentence of no greater than home confinement which would constitute a sufficient, but not greater than necessary, sentence and would satisfy the spirit and intent of the Federal Sentencing Law and further the interest of justice.

Respectfully submitted,

/s/Louis Rubenstein  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served by delivering copy of same to the Prosecuting Attorney this 5<sup>th</sup> day of August, 2022.

/s/Louis Rubenstein  
LOUIS RUBENSTEIN/0016992  
Attorney for Defendant

Hello Mr. Rubenstein,

I want to write this apology letter on my behalf. The last 2 and half year has been challenging and detrimental for me. All I can think is how I hurt the people I love and those that entrusted in me to progress in my adulthood. I want to say that my actions during the time of 2010 -2018 was lead because of my destitution in society. I had graduated with a bachelor degree in Environmental Engineer in 2011 and found myself in debt from society. I had owed the school system about more than \$3000 to finish my education that I extremely work hard for. The courses were intricate and it contour my ability to be successful in life. I met two friend at that time that show me a method to fulfil my financial obligations. Keep in mind I was in my 20s and just thinking how can I advance in life. I was at one time of my life in destitution and have to rely on alternative source of funding to provide for my humanity survival. When I committed the offence those where the main reason, I was trying to find a way to provide in a society where opportunity can be limited if you come from a background of my class. This is not where I imagine to be I proudly serve my country for 6 years in the Air Force and US Army Reserve. I had to find a path of my own without any help from my family and those close to me. I learn so much throughout the year how to be a man and be responsible for my actions. Since this incident happen it was a wakeup call, I stop going to certain places that can hinder my spiritual growth and became more at peace with myself. I have a dog who is truly my companionship and keep me happy with myself. My probation officer who is assigned to me kept track of my progress and my mental stability. I must say this past 10 year for me where insanely rough, going to the veteran hospital getting attended by the mental psychiatry for all my disorder which included anxiety, panic attack, dysthymia, PTSD, irritability to function in a social environment are just things I had to cope over the last two decade of my life. I didn't understand at first why all this things are happening to me but now I know some of us are chosen by God as a sense of testimony to overcome different phases in life. I recently had got a job in something that I love to do and that is to work the needy and family who are lacking resources in our community. The company I work for is a food bank and is located in Tampa, Florida. I been working there for the past two months. It helps me to understand people and appreciate the life that I was given. There are several of us that encounter difficulties and we have to rely on government funded program to manage to live a sustainable life. It has taught me a lot and how to be a better person going forward. I will no longer be involve in any activity that is consider illegal or can damage one financial burden. I been having a clean slate and would love the opportunity to improve on me and give back to community. I know you heard several pardon from several offender but I truly working on myself I have medical records and therapy to keep document on my progress and I still would love to attend. Today I am a new man and I feel no matter what happens in life God will always have my back. Thank you for your consideration of reading this letter on my behalf.

Sincerely,

Victor Torres

813-853-9546

**DEFENDANT'S  
EXHIBIT**

"A"